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Attorneys for Defendants  
COUNTY OF SANTA BARBARA, SHERIFF BILL BROWN  
SANTA BARBARA SHERIFF'S DEPARTMENT, AND  
DEPUTY FREDDY PADILLA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JAY RUSSELL SHAFER,

Plaintiff,

v.

COUNTY OF SANTA BARBARA,  
BILL BROWN, individually and as  
Sheriff of Santa Barbara County,  
SANTA BARBARA SHERIFF'S  
DEPARTMENT, DEPUTY FREDDY  
PADILLA, #2465 individually and as a  
peace officer, DOES 1-10, inclusive,

Defendants.

Case No: CV-11-08110 MMM  
(FFMx)

~~PROPOSED~~ ORDER ON  
STIPULATION FOR  
PROTECTIVE ORDER FOR  
INFORMATION EXCHANGED  
IN DISCOVERY

Assigned Judge: Hon. Margaret M.  
Morrow  
Courtroom: 780

1 PURSUANT TO THE STIPULATION of the parties in the above-entitled  
2 action the Court issues the following regarding the exchange of all documents  
3 concerning peace officer personnel records as defined by Cal. Penal Code §§  
4 832.7 and 832.8, and records described by Cal. Evidence Code §§ 1043, 1045,  
5 and 1046, during the discovery process and other proceedings before the  
6 magistrate judge, and, in particular, documents produced by Defendants in  
7 response to Plaintiff's Interrogatories to Bill Brown nos. 1-8; Plaintiff's  
8 Interrogatories to Deputy Freddy Padilla nos. 7-11, 19; and Plaintiff's Requests  
9 for Production to County of Santa Barbara nos. 1, 16.

10 The parties hereby agree and stipulate that those documents exchanged  
11 are confidential and privileged under state law and as such further agree to the  
12 following:

13 1. The documents subject to the protective order concern allegations of  
14 police officer misconduct made by citizen complainants regarding incidents  
15 other than the incident at issue in this litigation. The documents subject to the  
16 protective order are located within two files created and maintained by the  
17 Santa Barbara County Sheriff's Department's Internal Affairs Division. Those  
18 files contain some or all of the following categories of documents: (a)  
19 investigative summary; (b) conclusion; (c) administrative case review and  
20 recommendations; (d) witness interview summaries and handwritten interview  
21 notes; (e) completed citizen complaint forms; (f) correspondence; (g) offense  
22 and incident reports; (h) confidentiality orders to Sheriff's Department  
23 witnesses; and (g) investigative materials regarding the complainants.

24 The Sheriff's Department keeps all of these records confidential, in part,  
25 to protect the privacy interests of the peace officer subjects of citizen  
26 complaints, the complaining citizens and other third party witnesses in the  
27 information these individuals disclosed and that the department investigators  
28 discovered during the investigation. The Department also has an institutional

1 interest in maintaining the confidentiality of this information to encourage free  
2 and unfettered use of the citizen complaint process, and the impartial disclosure  
3 of all relevant information by complainants, subjects and witnesses during the  
4 investigation. To protect these interests, the Sheriff's Department orders all  
5 members of the Department who are asked to provide information during an I  
6 investigation of a citizen complaint to fully cooperate, to disclose all  
7 information and facts that may be asked of them, and to not discuss the case or  
8 their involvement in it with anyone. Any Department employee that violates the  
9 confidentiality order is subject to immediate disciplinary action for  
10 insubordination. For these reasons, the Sheriff's Department has not only  
11 maintained the confidentiality of the files subject to this stipulation for a  
12 protective order since they were created, it will also ultimately destroy them  
13 pursuant to the California Penal Code and Sheriff's Department policy.

14 2. A protective order is necessary to protect the statutory privileges and  
15 privacy interests under the California Constitution of the peace officer subjects  
16 of citizen complaints, the complaining citizens and other third party witnesses  
17 mentioned in the documents. Because the documents subject to the order do not  
18 involve the actions at issue in this litigation the privacy interests under these  
19 circumstances are greater in relation to the probative value of the information  
20 than they would be if the investigation records concerned the same incident as  
21 this litigation.

22 3. The documents disclosed and delivered to Plaintiff's counsel of record  
23 in discovery are confidential and privileged, and Plaintiff's counsel shall be  
24 responsible for insuring that the terms of this order are complied with.

25 (a) Such information will be treated by Plaintiff and her representatives as  
26 confidential, and will not be used for any purpose beyond that of the above-  
27 referenced litigation;

1           b) Such information may be disclosed to the Plaintiff's representatives,  
2 including attorneys and experts, as is necessary for purposes of the  
3 above-referenced litigation;

4           (c) The designation of materials as confidential does not entitle the  
5 parties to have those materials filed under seal;

6           (d) Use of any of the confidential information in motions or other  
7 materials filed with the court will be pursuant to an application to the District  
8 Judge to submit such confidential information under seal;

9           (e) Any application to file materials under seal must: (1) comply with  
10 Local Rule 79-5; (2) seek to file under seal only those portions of the materials  
11 that are confidential; (3) be supported by an appropriate showing; and (4) be  
12 made to the judicial officer presiding over the proceedings in question.

13           (f) Upon final conclusion of the above-referenced litigation, all  
14 designated  
15 confidential materials will be returned to defendants.

16           4. The documents and the information contained therein shall be kept  
17 confidential and shall be used solely in connection with the preparation and trial  
18 of the above civil case and for no other use.

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1           5. The upon final disposition of this case Plaintiff's counsel shall  
2 promptly, without request or further order of the court, return all discovered  
3 documents and photocopies and/or reproduction of those discovered documents  
4 to the attorney of record for defendants.

5  
6 Dated: June 12, 2012

DENNIS MARSHALL  
COUNTY COUNSEL

7  
8  
9 By /s/- Kelly D. Scott  
10 Kelly D. Scott, Deputy  
11 Attorneys for Defendants  
12 COUNTY OF SANTA BARBARA,  
13 BILL BROWN, SANTA BARBARA  
14 SHERIFF'S DEPARTMENT  
15 and DEPUTY FREDDY PADILLA

16  
17  
18 Dated: June 12, 2012

The Beck Law Firm

19 By /s/-Thomas E. Beck  
20 Thomas E. Beck, Esq.  
21 Attorneys for Plaintiff  
22 Jay Russell Shafer

23 IT IS SO ORDERED.

24  
25 Dated: June 15, 2012

26 By   
Honorable Frederick F. Mum m